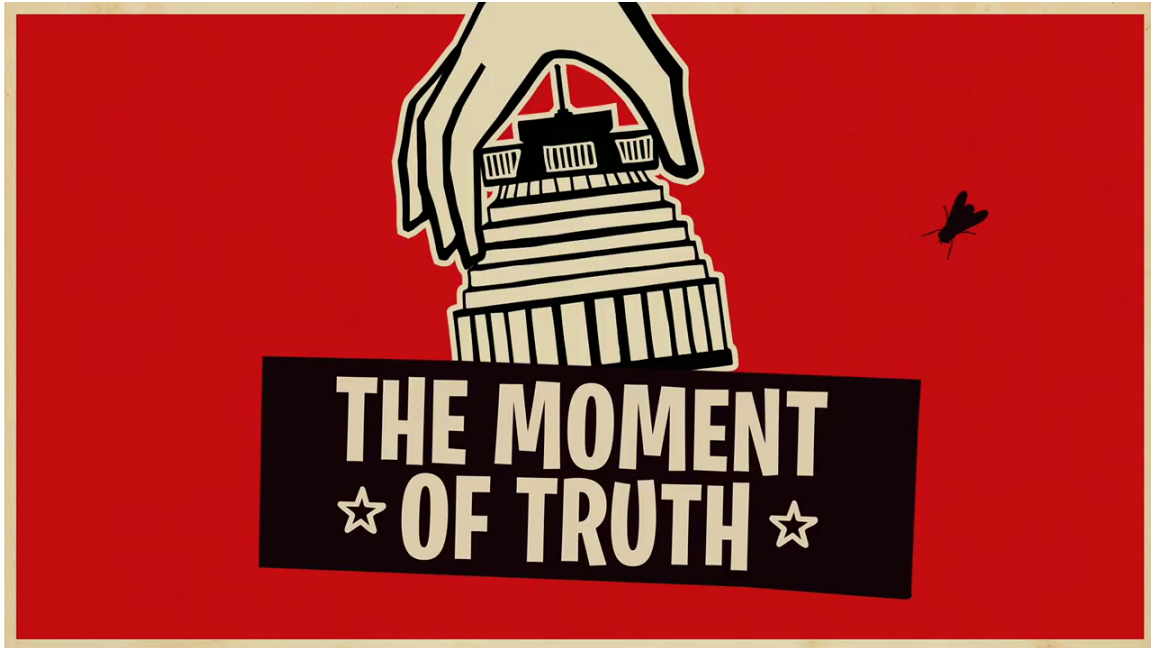


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THE MOMENT OF TRUTH
AUCKLAND TOWN HALL, NEW ZEALAND
STREAMED LIVE ON SEPTEMBER 15, 2014

Speakers

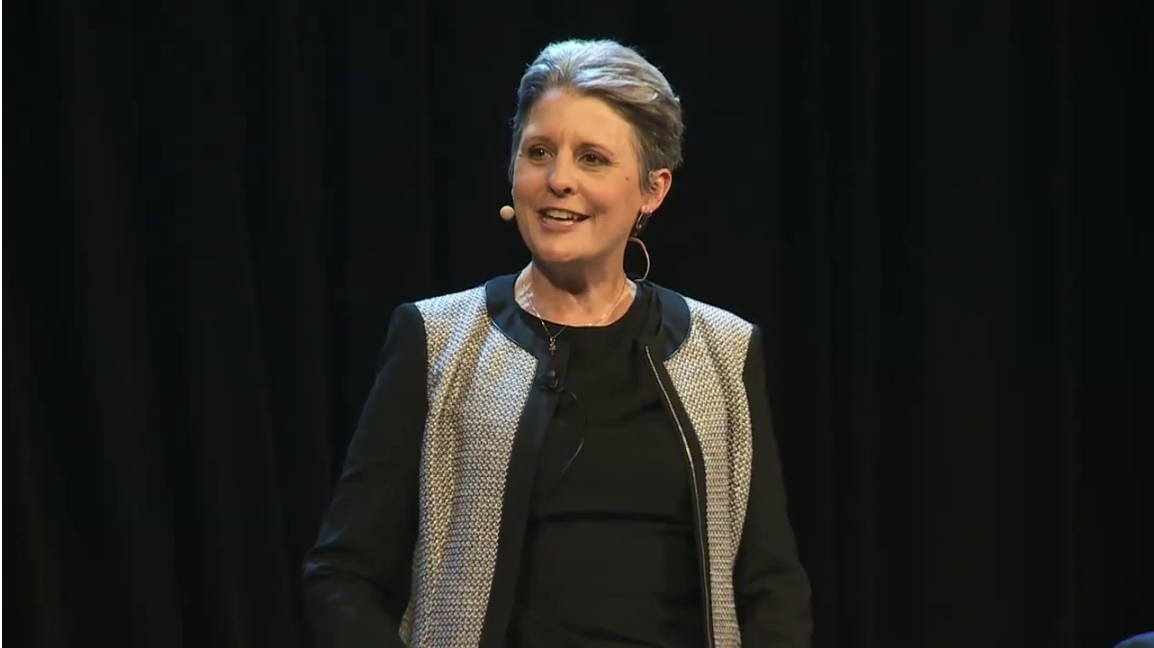
Moderator Laila Harré, New Zealand Internet Party leader
Glenn Greenwald
Edward Snowden
Julian Assange
Kim Dotcom, Mega, Moment of Truth event sponsor
Bob Amsterdam, international lawyer representing Kim Dotcom

TRANSCRIPT

[22:20 start]

LAILA HARRÉ: E nga iwi, e nga reo, e nga karangatanga maha o nga hau e wha, tena koutou, tena koutou, tena koutou katoa Aotearoa.

Tonight, tonight we welcome the world to the Auckland Town Hall. We are meeting at the democratic center of New Zealand's largest city and we are here to celebrate and to protect our democracy. Courtesy of the internet itself, this hall from tonight will represent a symbol of democracy for the whole world. We are all neighbors online.



As the leader of the Internet Party, I am proud to welcome all of you and to extend the welcome of Aotearoa to Glenn Greenwald.

[roar of applause]



GLENN GREENWALD: Thank you.

[applause]

(Glenn laughs) Thank you very much.

[applause]

Thank you.

Kim Dotcom, applauding: Whoo! Yeah! Give it up!

[applause]

HARRÉ: Settle down. (laughing)

[applause]

Bob Amsterdam.



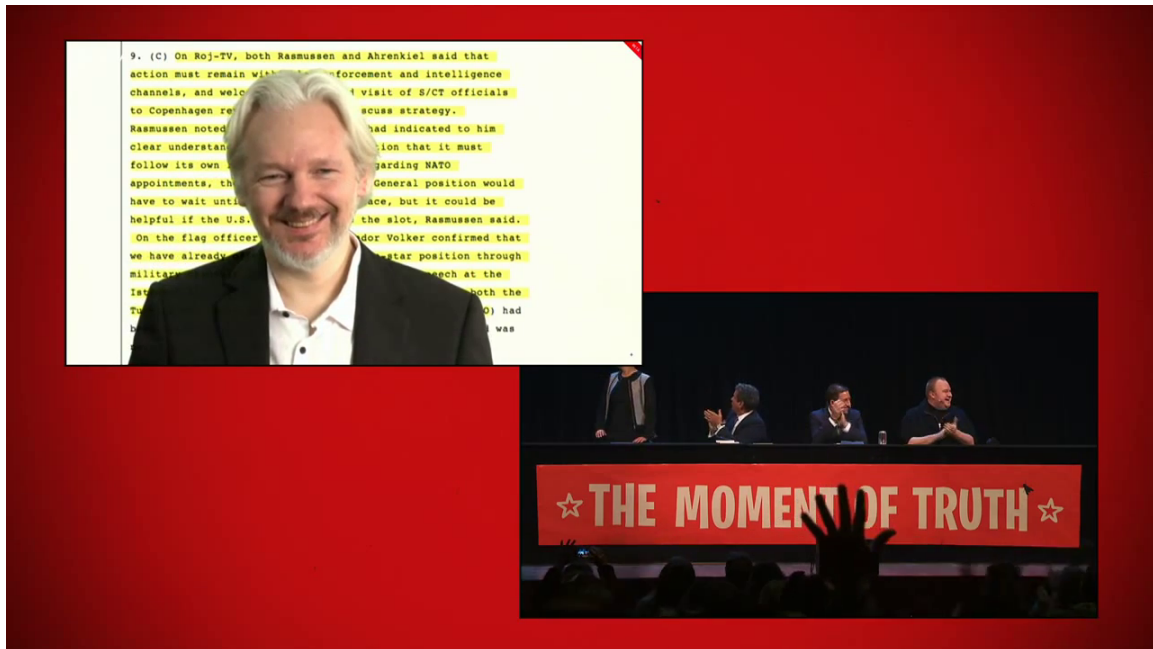
[Whoo! applause]

HARRÉ: Julian, Julian Assange.

[Whooo! applause]

[Julian's screen comes up]

[Yeeaaahh! roar of applause, Julian grins and salutes]



HARRÉ: And we might have another special overseas visitor to welcome in a moment. To Kim Dotcom.



[cheers, applause]

Thank you. Thank you, our friend, for making this moment of truth possible.

Our speakers and panelists tonight are among the mightiest defenders of the internet. New Zealanders in this hall are the inheritors of our nation's democracy and our

independence. The battle to defend our internet, our rights and freedoms online and our political and economic independence in the digital age is our battle and we are on the global frontline of that battle right now here in Aotearoa. We –

[cheers, applause]

We in New Zealand know what it means to lead the world in the interests of human rights and freedoms.

Our Treaty of Waitangi represents a unique partnership.

We were the first women to win the right to vote.

[cheers, applause]

The first workers to organize and win a 40-hour week.

[cheers, applause]

The first voters to vote for and demand a welfare state.

[cheers, applause]

Our own government sent a protest ship into the French nuclear testing zone...

[cheers, applause]

...and it was our antiapartheid movement that sent a little ray of sunshine into Nelson Mandela's prison cell in 1981.

[cheers, applause]

It is we, it is we, New Zealand, who declared ourselves nuclear-free, house by house, town by town, and forced our government to follow suit. Each time difficult and disruptive people, academics and journalists have spoken truths that the powers that were did not want to hear. Each time it has been the persistence of a few that has been transformed into movements of the many, and it is those movements, those victories that define more than anything else what it means to be a New Zealander. Now –

[cheers, applause]

Now it is our turn again. Tonight we will hear from Glenn Greenwald, Bob Amsterdam, Kim Dotcom, Julian Assange...

[cheers]

...and perhaps another very special visitor.

[27:30]

LAILA HARRÉ: Whānau, I would like you to join me in welcoming again our guests and our panel.

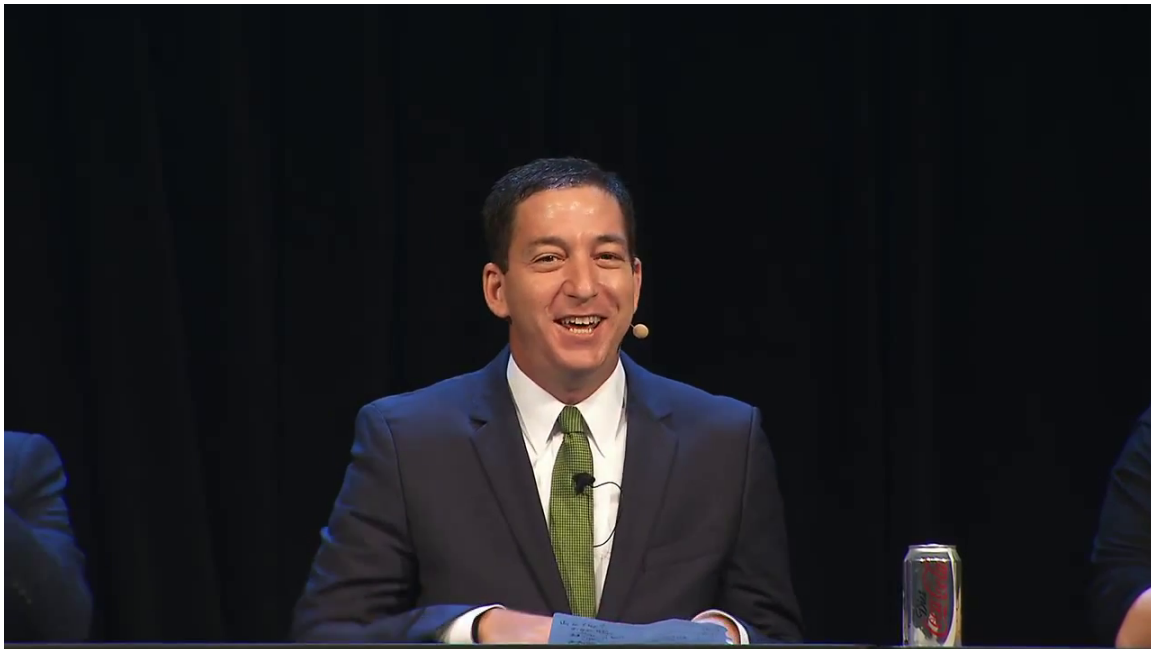
[applause]

Glenn Greenwald, Glenn Greenwald is a journalist, constitutional lawyer, and author of four New York Times bestselling books on politics and law. He has won numerous awards for his investigative reporting including the Pulitzer Prize for Public Service for the NSA reporting he led for the Guardian. Tonight he will draw on the Snowden archive in our moment of truth about mass surveillance in Aotearoa. Please welcome Glenn Greenwald.

[“Yeah!” cheers, applause]

GLENN GREENWALD: Thank you very much.

[cheers, applause]



Thank you so much. Thanks to everybody for coming tonight, and thank you so much as well to the Internet Party for organizing such an impressive event and inviting me to speak. I am extremely excited to be here, and by here I mean both this event and New Zealand generally. I've only been here for a very short period of time, 96 hours, but it has been very eventful. And...

[laughter]

...there has been a lot that has happened in that short period of time, but there are three episodes that I have found particularly extraordinary since I've been here that I just want to highlight, because I think it has some important meaning for what we're here to talk about and for the upcoming election.

The first really extraordinary event is that, you know it is not all that common to arrive in a country and within less than 24 hours literally find oneself being publicly maligned and attacked by the nation's head of state...

[laughter]

...using the most adolescent epithets imaginable.

[laughter, cheers, applause]

You know, Saturday was my first full day here in New Zealand and I was welcomed by being called literally on no less than a dozen occasions a "henchman" by the nation's prime minister, and today, earlier this morning, he descended even a little bit further into the muck by crowning me "a loser."

[laughter]

Something that I don't think I've been called since I was like 14 years old, so...

[laughter]

...it brought back a lot of really good memories.

[laughter]

But the really amazing thing about it is, I have done reporting over the last year and couple of months on the NSA and on global surveillance as a result of the documents that were furnished to me by my source, Edward Snowden, and the New Zealand government certainly is not the first government that has disliked the reporting that we've done, and they're not even the first government that has tried to distract attention away from the substance of the disclosures by trying to attack the journalist personally in order to discredit the journalism. But what is unique about New Zealand is that in every other country where that was done, it wasn't the head of state that actually spouted those insults. They get underlings or representatives or minions to do it because generally heads of state are very concerned about appearing dignified and statesmanlike.

[laughter]

But I don't know. I guess in some warped way New Zealanders should consider themselves blessed to be led by a person who has completely unburdened himself with those...

[laughter, applause]

...concerns. I mean he has no interest at all in dignity or statesmanlike behavior...

[laughter]

...whatsoever. And...

[cheers, applause]

...you know, I never thought that I would actually hear myself saying what I have said multiple times in interviews over the last four days, which is, it's a very weird thing to hear one saying, which is, "I'm not going to lower myself to the prime minister's level..."

[laughter]

...by getting into the mud with him in name calling." And I've tried really hard to adhere to that over the past four days, and I'm going to try hard, although I may not completely succeed, but I will try hard to adhere to that tonight as well, because there are a lot of really important, substantive issues that we shouldn't allow to be overwhelmed or distracted by what he's hoping to be this kind of bickering match.

The second really extraordinary thing, and this is genuinely really stunning to me, was on the very first day that I began doing interviews about the reporting that we were here to do, the prime minister, in the words of the New Zealand Herald, for the very first time admitted that his government had in fact planned a program of mass surveillance aimed at New Zealanders. He admitted that for the very first time on Saturday after my arrival when he started to have suspicions about what it was that I was going to expose. And the reason that's so stunning to me is because if you think about what has happened in this country over the last 18 months, there has been a very serious and sustained debate over surveillance policy, probably as much as if not more than just about any other country on the planet. It began with the revelations that the government had illegally spied upon the communications of a legal resident of New Zealand, Kim Dotcom, as well as several dozen other at least citizens and legal residents. It then was followed by a very intense debate – one media outlet here called it one of the most polarized debates in decades – over a new internet law that the Key government insisted upon enacting that would vest the government with greater powers, and this all took place within the context of the Snowden revelations and the global debate about electronic surveillance and internet freedom and individual privacy that those disclosures provoked. And so as this country was immersed in this very serious and sustained debate about surveillance, a debate in which the prime minister himself actively participated, he concealed from the citizenry all of that time the fact that by his very own admission, which is actually inaccurate, but

even he admits that he concealed the fact that his own government over many months was developing a program of mass surveillance aimed at the citizens of this country. What possible justification is there for having concealed that for well over a year until my arrival compelled him to finally admit it because he knew it was going to get exposed anyway? I find that genuinely stunning.

The third really amazing episode that has happened just over the last four days is the prime minister's vow that he made in similar interviews and over the last several days that he said he was going to declassify information in order to prove that in this political dispute that [he] is in, he is actually correct. Now, the reason why I find that so amazing is because it is the case in virtually every Western democracy, and I spent time today with a well-regarded New Zealand journalist who confirmed that it's not just the practice but the law in New Zealand that governments do not have the right to declare information classified and in essence to keep it concealed from the citizenry unless it is really the case that disclosure of that information would seriously harm national security and jeopardize the public safety. So what he is essentially saying is that there is information that his government decreed to be classified on the ground that its release would jeopardize the public safety, that he is now going to release because he thinks doing so would be helpful to him politically.

I have never before seen that in my career as a journalist. I mean, I have seen other governments, including my own in the United States, release classified information for political reasons, but they at least pretend that they're doing it for the reasons that the law says.

[laughter]

They say, "Well, we're doing it because national security would be helped if we were to disclose it." Prime Minister Key is very shameless, very clear about the fact that he's not releasing that classified information for any reason other than to defend what he called this morning his reputation and for political gain.

And I really urge whatever members of the media, the New Zealand media, who are here to think about this really means. It really is only one of two possibilities, both of which I think are equally disturbing. Either, number one, the Key government properly classified this information in the first place about the program of mass surveillance they were planning because its release really would harm national security and jeopardize the public safety, and that he is disregarding the public safety, jeopardizing national security, by releasing this information for political reasons. That is pretty disturbing. The only other alternative is that this information should never have been marked classified in the first place because it was being hidden not for national security reasons but to conceal from the public what it was that this government was doing in planning mass surveillance aimed at the citizens of this country. It either is only one or the other, and I really think the prime minister needs to be held accountable to explain to the public which of those two it is. So those events...

[cheers, applause]

...those have been the sort of the three most stunning and extraordinary episodes that I've encountered. There are lots of other ones, but I had to pick the three most.

I want to spend a little bit of time, a little bit of time talking about a question that I've heard a lot over the last four days, which is, why am I here? Why am I in New Zealand doing this reporting in the lead-up to this national election? And I just want to quickly address a couple of conspiracy theories that I have heard repeatedly tossed about, not by random internet users, or at least not only by random internet users, they've certainly tossed them about, but by the government of New Zealand itself. The first one being that I am here because I have a compelling interest as a foreigner to interfere in the election and to manipulate the outcome. [laughter] Now, I say this with the utmost respect for the great nation of New Zealand, whose natural beauty I've heard so much about and which I've always wanted to visit, but I promise you, as an American citizen who has spent the last 10 years living very far away in Brazil, I have spent very little time studying the domestic political disputes that take place in New Zealand, [laughter] and I have never evinced any interest at all in shaping the outcome of which political party here ends up acquiring power. The idea that I got on a plane and flew 40 hours across more time zones than I can count because I suddenly developed this urgent desire to manipulate the outcome of New Zealand's election [laughter] is, I would think, a theory so frivolous that no one could really say it with a straight face.

[laughter]

The other theory that I've heard quite a bit, and that has actually been articulated on numerous occasions by the prime minister himself, is that I'm here because I'm being paid to be here. Now, the reality is that when I was invited to come and speak by the Internet Party, they contacted me and they said, "I know it's a big ask, it's really far away, but we would love for you to come and speak as an expert on surveillance, as somebody who's done a lot of reporting. We will pay you your standard speaking fee and we'll pay your expenses." And I said, "Look, I think it would be better for you not to pay me at all. Just take the standard fee and donate it to a charity that we agree upon." And we looked at a couple –

[applause]

We; we looked at a couple including a charity that helps gay youth in Brazil who have been physically attacked, of which there are unfortunately a large number...

[applause]

...and, and others, but let me be very clear. Contrary to the prime minister's unbelievably reckless accusations, I have not been paid and will not be paid a single penny for my travel here or my participation in this event or for any of the reporting that I'm doing here.

Now, what I think is really interesting, and I think it's important to think about this, is a lot of times people who make accusations about other people's hidden corrupt motives are actually saying very little about the people they're accusing but saying a great deal about themselves.

[cheers, applause]

Because what those people are saying, the people who spew those kind of accusations, is, "I cannot believe that anybody would do anything out of a sense of duty or principle. They must be doing it for some corrupt reason." And the reason they think that is because they themselves never do anything out of conviction or principle.

[cheers, applause]

And so they believe that everybody else is plagued by the same pathology of soullessness that plagues them.

The reason that I'm here in the New Zealand is actually very simple. It's because, as a journalist generally and as the custodian of the Snowden archive specifically, I genuinely have an obligation that I take very seriously, which is to report as best I can around the world in a way that informs people in the highest impact way possible of what it is that their government has been doing to their privacy and to internet freedom completely in the dark. And it is absolutely the case that I'm aware and was aware when I agreed to come here that there was a national election, because I want to do the reporting in the context of an election, because that's when the citizenry is most engaged, and had I waited until the election to be over to do this reporting, I am certain that I would have heard from all sorts of New Zealanders who would have been angry with me, rightfully so, and would have said, "Why did you wait until after the election to do this reporting rather than doing it before when we could take it into consideration in deciding which political factions we want to vote for?"

As for why I'm at this event, I am not one of these journalists who believe that I have to go around pretending that I have transcended the human experience and am free of opinion and subjectivity or that I'm neutral on the question of mass surveillance. I think and have been very honest about the fact that mass surveillance is a serious menace to all sorts of important political values. And...

[applause]

...I am thrilled that there is somebody in this country who is willing to support and fund a party. I'm thrilled that there are so many people in this country who want to be part of a movement devoted to defending internet freedom and individual privacy and opposing mass surveillance, and I'm thrilled that there's an event like this that brings so much public attention to that issue, and really proud to participate in an event like that, and see it not as contrary to my role as a journalist but as a pure affirmation of that role to come

and take advantage of a platform like this to reach as many New Zealanders and as many people around the globe as I can about this vital information that Edward Snowden has allowed us to have about what this government has been doing in secret and systematically deceiving the public about.

[applause]

So, with all of that out of the way, we arrive at the thing that I think ought to be the most important part of the discussion tonight, which is the substance of these revelations, and one of the things that I have tried to make clear over the past year or so as I've gone literally around the world talking about these surveillance disclosures is that the reason that this story has resonated the way that it has around the world isn't really only or even principally because of people's interest in questions of electronic surveillance, as important as that is. What really has been triggered by these disclosures is an awareness of how continuously our governments that call themselves democracies and that are pinnacles of Western political values actually deceive the public and conceal from us that which we have the greatest right to know, namely the things that they do of greatest significance.

And one of the reasons that people like Prime Minister Key try to reduce and degrade the discussion into a series of ad hominem is because they believe that if all that the public is hearing is a politician and a journalist or a politician and other politicians calling each other names and accusing each other of lying, that the public will just turn off. They'll say, "I can't figure this out. It sounds like annoying bickering. I really have no way of figuring out who's telling the truth." And the reason why politicians much more skillful and with a lot more resources than Prime Minister Key who have tried that tactic and have failed is because what makes this different is that no one needs to rely on anybody's word. No one needs to say, "I believe Prime Minister Key, I believe this journalist, I believe this other politician."

What has enabled, what these disclosures have enabled is for us to see the information that we were never supposed to see, that were marked top secret and secret and classified by governments that thought they could keep it from us forever but which is now available, and the public can go and look at that information themselves and reach their own conclusions about whether their political leaders have been telling the truth or have been lying to them. And one of the things we did today in the article that we published at The Intercept was publish the relevant documents about what the Key government was actually doing with regard to mass surveillance aimed at New Zealanders. And what we also published separately was an article by my very heroic source, Edward Snowden, who states categorically that the prime minister of this country has been fundamentally deceiving the citizens about whether the GCSB and the New Zealand government are engaged in mass surveillance.

And let me, before I discuss a little bit of that evidence, just say one word about Edward Snowden. People have different views of the actions that he undertook. In the United States his polls show it's 50-50 people who consider him a traitor or a hero, but around

the world in most countries, including the country in which I reside, Brazil, and in large European countries like Germany, he is overwhelmingly considered a hero. But put aside whatever your views are on the actions that he undertook. Even his harshest critics have not been able to say that anything that he has claimed about surveillance is either unreliable or untrue. His record of accuracy that the things that he has said have proven to be true is almost entirely pure and complete and 100 percent. When he makes statements, he is meticulous about ensuring that his credibility as a surveillance expert is maintained, and I hope that his accusations about Prime Minister Key's false statements are understood in that context.

Now I just want to talk about three primary areas in which the Key government has radically misled and deceived the New Zealand citizenry, because the evidence is now available, now that we've published it this afternoon. And I don't make that accusation lightly. As a journalist I understand that I can't go around making those kind of claims and maintaining my credibility unless I have the evidence to back it up and that it's absolutely true, and in this case I can categorically and with great confidence say that it is. So...

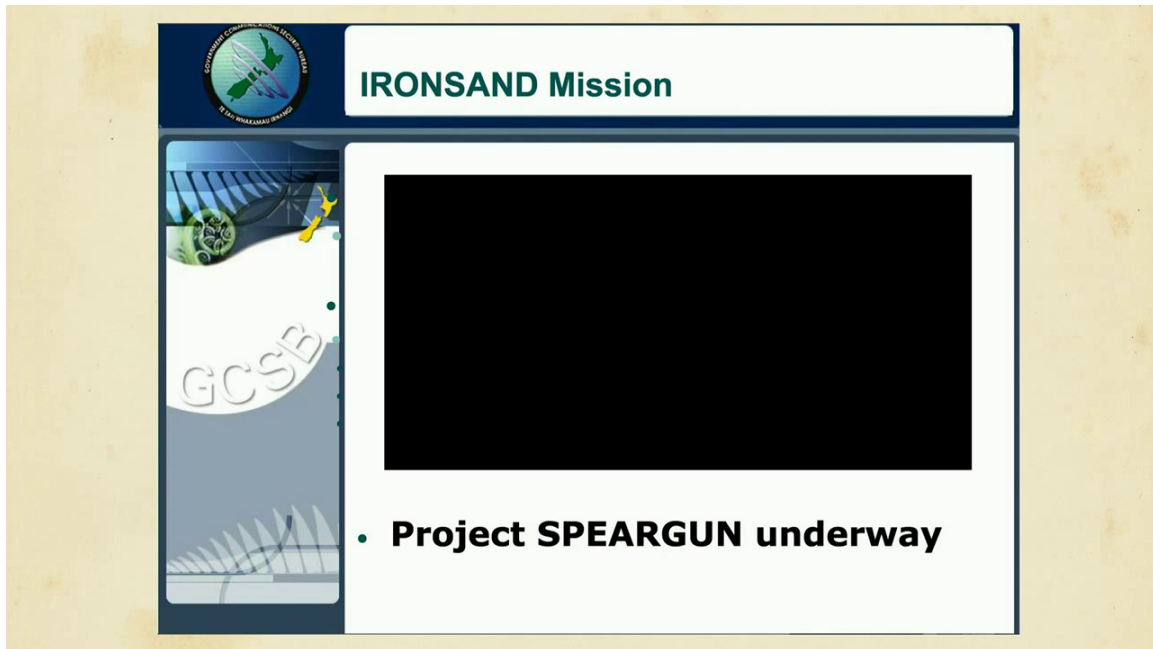
[applause]

... the first area where he has radically misled the public are his statements just over the last four days. In order to anticipate and get ahead of the reporting that he thought that I was going to do, he finally, as I indicated earlier, came out and admitted that his government planned, proposed a policy and created a plan to engage in mass electronic surveillance aimed at his own citizens. But what he said when he finally admitted this was, "This was only a proposal. It was only a business plan. It was simply an idea of the kind that governments throw around all the time, but it never got implemented and it never got approved because I, Prime Minister Key, when I learned about it, intervened and said, 'No, this goes too far and this cannot happen.'"

[laughter]

Now I don't even think New Zealanders need evidence to know that that's an absurd scenario, but I'm fortunate enough that I actually have it. And the evidence that I have is evidence in which the NSA is discussing internally what it is that they're told by the New Zealand authorities about what this project is and what its status is. And the project was codenamed Project – the project that we're talking about, which is a project of mass surveillance, was discussed and labeled as "underway" by the NSA. Not in development, not as an idea, not as a proposal, but underway.

So if we could put the first slide up on the screen that we published today, which is an NSA slide that was previously top secret.



[silence...murmurs...laughter]

“Project SPEARGUN underway,” just as I said. Which is an October 2012 internal top secret document about the GCSB produced by the NSA.

Now if we can look at the next slide, which is from fiscal year 2013, the very beginning of 2013. The next slide.

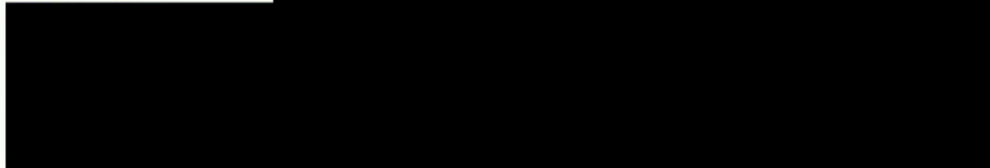


This is a list of activities in which the NSA's partners are engaging in to increase what the NSA calls access to data. Under New Zealand it says, "Partner cable access program achieves Phase 1." Phase 1 of that policy has been completed as of the beginning of 2013, so you have a program that is actually underway, Phase 1 of which is now actually completed. Phase 1 involves access to the cables that connect New Zealand to the rest of the world and that transmit internet data. So for Prime Minister Key to stand up and say, "Oh, this was just a mere proposal, it's the kind of idea that gets tossed around but it was never actually implemented" – the documents that we published today and the reporting that we did makes clear that that is an outright falsehood. This was a program that was officially embraced and adopted and implemented and steps taken to bring it into reality.

Now the second area in which his statements have been remarkably untrue is probably the one that I consider to be most important. I have spent a lot of time over the last three or four months as I've done the reporting on New Zealand paying great attention to the debate that took place in this country over the proposed new internet bill that was introduced by the Key government and that passed by a mere two votes in Parliament, 61 to 59, in August of last year. And the reason that that debate fascinated me so much was because, as I said earlier, it was, as you know, incredibly polarizing. There were mass public protests against this new internet bill. And the only way that the Key government got the public to agree to accept this bill and got the parties in Congress to pass it by two votes was because Prime Minister Key said over and over unequivocally, "This law does not give us any new powers. It does not allow us to engage in metadata collection. It does not allow us to engage in mass surveillance." Because he knew that if the public was aware that this bill actually did that, it would never have passed. So in order to get it passed, he told the public over and over, "This bill is essentially harmless. It just restates what we already have the power to do in a clearer way and provides added safeguards." Internally, however, the Key government was saying exactly the opposite. What they were saying was, "In order for us to do this program of tapping into the cables and doing mass metadata collection, we need one thing. We need to have this new law passed, because that new law will empower us to do this type of mass surveillance for the very first time."

And if we look at the next slide, another one of which we published today..

(TS//SI//NF) New Zealand:



(TS//SI//NF) New Zealand: GCSB's cable access program SPEARGUN Phase 1; awaiting new GCSB Act expected July 2013; first metadata probe mid 2013. ¶

...it describes what this cable program was supposed to be, and it says, "GCSB's cable access program SPEARGUN Phase 1," which we saw in the prior slide, has been completed. It says, "Awaiting new GCSB Act expected July 2013, first metadata probe mid 2013." The New Zealand government's position privately was the exact opposite of what they were saying publicly. Their position privately was that the bill would give them for the first time the power to engage in mass surveillance aimed at New Zealand citizens, there were legal experts who were saying that, Prime Minister Key insisted that they were wrong, that it would do nothing of the kind, and these documents show that he was not telling the truth.

And what I hope that anyone in the New Zealand media who is here or listening will do is to ask Prime Minister Key this question. He has said and admitted that his own government was preparing a policy of mass surveillance in late 2012 and early 2013 prior to the enactment of this law. But any program of mass surveillance during that time before this law was passed would have been illegal. It was against the law before this law was passed for the New Zealand government to spy on its own citizens or to engage in mass surveillance. Leading to the question, why was his government proposing and designing and implementing mass surveillance programs which by their own reasoning was against the law? And the only answer that he can give and that he will give is he will say, "Well, we were expecting the law to change. We were expecting this law to pass that would then allow us for the first time to do that," but unfortunately for him that is exactly what he denied the law would do, over and over and over again, to get this law enacted.

Now the last area that I just want to cover is the area where I think his deceit is clearest, and that is on the question of whether or not the GCSB engages in mass surveillance and whether or not New Zealand citizens are subject to mass surveillance, propositions that he has vehemently denied both in the last four days and over the last 18 months. And what I would urge everyone to do is to go and read the article that was written today by Edward Snowden in which he describes not documents that he's seen but actual firsthand experiences that he has had as an analyst at the NSA, including stationed in Hawaii, which entails the Pacific region and Asia, much of which is the same overlapping activities that GCSB engages in. And he talks about how he has seen and interacted with enormous amounts of metadata about the communications activities of New Zealand citizens, much of which has been contributed and analyzed and processed by the GCSB, exactly the kind of mass surveillance that Prime Minister Key not only vehemently denied was being done but which he promised he would resign if it were determined his government were actually engaging in.

[cheers, applause]

So let me just, let me just close by saying that, you know, I am here as journalist. I am not here in support of or opposition to any political party, but I view my job as a journalist to hold accountable and to provide a check on those who yield the greatest power. And the way that that is done in my view most properly is by scrutinizing and investigating the claims that government officials make, rather than just mindlessly and

uncritically repeating them. If you want to mindlessly and uncritically repeat government claims, you should go work for the government as a government spokesperson.

[laughter, applause]

And, you know, whatever else you think, as a member of the media or as a citizen of New Zealand, there is no question that very serious questions have been raised that Prime Minister Key should have to answer, including why is it that he only for the first time this weekend revealed these plans, how is it that he could possibly legitimately declassify information that is only being declassified in defense of his political interest, and why is it that internally his government continuously said that this law vests them with exactly the powers that he told the country it would NOT vest him with, in order to induce passage of the law. So I think those are a lot of meaty questions that I hope New Zealand journalists force him and confront him with and require him to answer in the next five or six days leading up to the election. So with that, I thank you very, very much.

[cheers, applause]

Thank you.

[cheers, applause]

HARRÉ: Well, beat that, Sean Plunket.

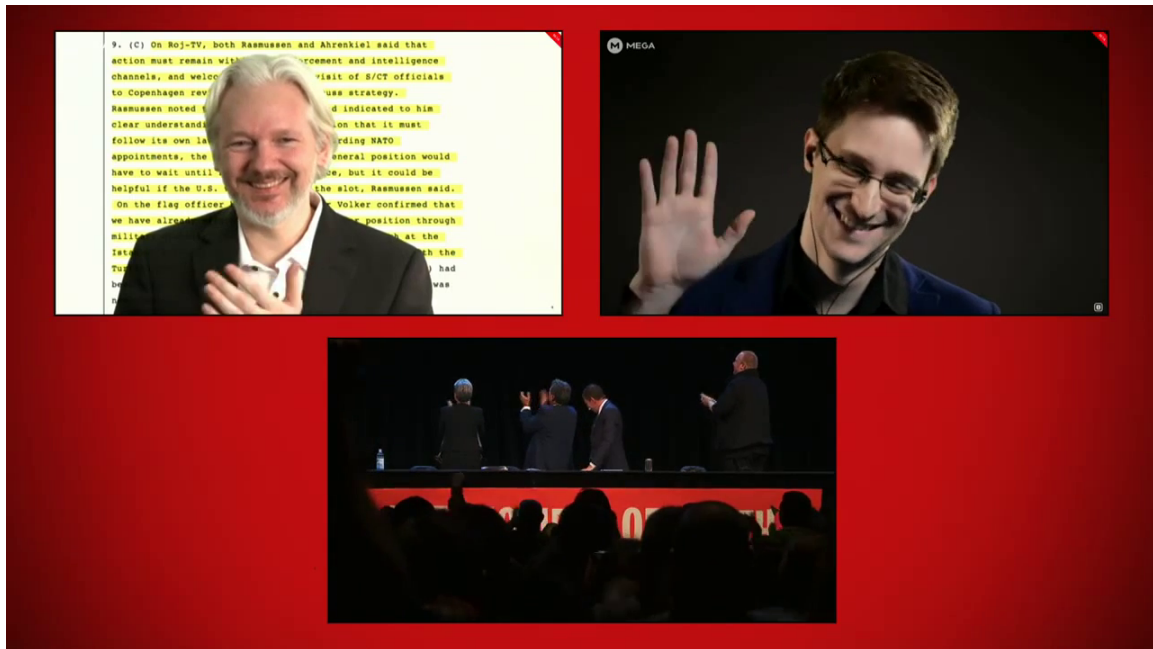
[Laughter]

[59:10]

LAILA HARRÉ: Ladies and gentlemen, since we started this panel, we have been joined by a former NSA subcontractor whose disclosure of thousands of documents revealed the scale of global surveillance on a level never imagined before, generating global indignation over the theft of individual privacy under the pretense of national security. Without Edward Snowden, the world may not have learned the extent of NSA and Five Eyes international surveillance including PRISM. Edward Snowden has been the recipient of numerous awards in recognition of his efforts as an internationally recognized whistleblower to promote transparency and accountability in government. Please, whānau, welcome Edward Snowden.

[roar of cheers, applause, whistles, laughter, yeah!, whoo!, yeah!, laughter]

[Panel stands and applauds, Julian grins, Edward grins]



EDWARD SNOWDEN: Hello New Zealand.

[cheers, applause, town hall audience is standing]

[laughter]

(Edward shakes his head): I'm not used to this kind of welcome.

[applause]

HARRÉ: And Ed, Ed, I've got to tell you that we're in the Auckland Town Hall at the democratic center of the biggest city in New Zealand. We have a packed hall. There are 800 people who have not been able to get in tonight. They wanted to hear you. We owe you our gratitude. Thank you from Aotearoa.

[Whoo!, applause]

SNOWDEN: (smiles, nod) Thank you.

[applause]

Thank you very much.

HARRÉ: And now I think your, I think your old mate Glenn has a few questions to ask you.

GREENWALD: I do. I do. The journalist in me will never die and when I see Edward Snowden I need to start asking questions.

SNOWDEN: (laughs) If I could actually get one thing in there, I just want to point out it was interesting that you said the town hall that's taking place in Auckland, because we're talking about mass surveillance, we're talking about everything that's going on, and the fact that the prime minister has denied that there is no mass surveillance in New Zealand, that these are only cyberprotection programs and even though they were contemplating them they never went forward, he heroically put a stop to this at the eleventh hour, and none of us know what's going on. But you know there are actually NSA facilities in New Zealand that the GCSB is aware of, and that means the prime minister is aware of, and one of them is in Auckland. Another one (laughs) is in the north of the country, but, uh...I'll leave it there. Glenn, please go ahead.

GREENWALD: Yes, so...

[applause]

Well, it's a great place to start, because as I think everybody knows, you have created a little bit of a stir over the last year and two months around the world, but you have specifically created a stir here in New Zealand with the article that you wrote over the last several days for The Intercept that was published just a couple of hours before we convened here in which you made some very strong statements about the ongoing evolving debate taking place here in New Zealand, including your statement that for multiple reasons Prime Minister Key's claims about the GCSB not participating in mass surveillance, New Zealanders not being subjected to mass surveillance, are, as you called them, false statements. Could you talk about, based on your own personal experience working within the NSA and the Five Eyes infrastructure, what your basis is for those conclusions?

SNOWDEN: Right. Absolutely. I think one of the key things to get out in the beginning is to say, when the prime minister is making these statements about there is no mass surveillance, people can disagree about what this is, what it's not, you're always entitled to your own opinions, but you're not entitled to your own facts. When the bulk collection of private citizens' communications, e-mails, text messages, location data, metadata, calling records, what you order online, what you buy, who you talk to, who you love, what you do – when these things are collected by any arm of government without an individualized, particularized suspicion of wrongdoing on the individual level, that is a violation not just of rights on the national level but of human rights that are not given to us by government but are inherent to our nature. And so when he says this isn't a crime, I think what's happening –

[applause]

(Edward smiles) Thank you.

I, I think what's happening is a careful parsing of words. He's saying, "This isn't mass surveillance, even though, you know, GCSB is collecting all of your information, they're

sharing it with NSA, NSA is doing it and then providing that same information to us so we don't have to do it domestically, we don't have to collect it domestically, we just get to search their copies of our citizens' data." He's saying it's not surveillance because as long as, you know, in these trillions of records that are collected, not every single record is read by a human being when they come in in the morning like it's e-mail. But even that is not entirely true, and it's inaccurate in many ways.

So when I worked at the NSA, my last position was as an infrastructure analyst. You can think of it as sort of a state-sponsored hacker where what you do is you look at network infrastructure, you look at routers, you look at all the connection points, you look at companies and you look at targets around the world and you figure out how their networks work, how they fit together, and how to break into them. You're basically sort of a burglar casing the joint. That was when I realized the absolute scale of how deep this went. Because when I was doing this, I would see the communications of individuals from around the world. I could be looking at a system in Japan, I could be looking at a system in Germany, I could be looking at a system in New Zealand. And what was incredible was the fact that I could see records of the communications of people around the world, from every country, comprehensively.

The way it works is XKEYSCORE is what you can think of as a sort of a, in technical terms, a federated search system. What it means is the NSA along with the Five Eyes sort of alliance, which includes New Zealand as a significant part of it, to put a system of sensors around the world – you can think of these as tapping devices. Some of them are cable taps, some of them are, are, are – well, what's been reported are cable taps so far, so let's leave it there. But there's a network of sensors around the world, where it's racks of equipment – they don't have to be at telecommunication providers. The Southern Cross gentleman said, "There's no way this could happen. You know, we would know if it happened, we would see it, we would have evidence of it, we would have to be complicit with the government. There's no way to tap a fiberoptic cable without us knowing about it and without it taking our cable down." But we've seen over the last year the NSA has done this around the world, in countries that we're allied with, in countries that we're not. So I would have to ask that gentleman, what makes your company unique, out of every telecommunications provider in the world, that you would know when the GCSB, when the NSA are tapping your lines and no one else can?

But the key is, you've got this network of sensors around the world and then I sitting at the NSA in Hawaii come in in the morning. I type in my search. I look for – let's say I want to read John Key's e-mail. I enter his e-mail address and it sends that search to every one of these sensor networks around the world, and they search their local database of metadata and content. The content of all communications that pass through these sites is held for about three to five days, depending on the storage, and it's constantly getting a, constantly going back further and further in time as we gain more capability. So I can see everything. I can see what book you looked at at amazon.com, you know, last week. I can see who you talked to. I can see who your friends on Facebook are. I can see the text messages you sent. I can read the e-mails you wrote. And I can set up things that are

called fingerprints that allow me to track where you've been on the web, who you're talking to, even if you're using sort of anonymizing technology and so forth.

Now what's interesting about these sensor networks is when I'm typing in this search for an e-mail address, I say where in the world, which of these sensors I want it to go to. And I know that there's mass surveillance happening in New Zealand because one of those checkboxes, one of those sensor networks, is in New Zealand. So when John Key or anyone in the New Zealand government says there is no mass surveillance in New Zealand and they wave cyberprotection programs around or whatever they want to call it – they talk about Project CORTEX – they're distracting from the main question. When a journalist hears, you know, "Oh, there's no mass surveillance in New Zealand," they need to follow up, they need to press, and they need to say, "Mr. Prime Minister, what about XKEYSCORE? What about the GCSB's involvement in XKEYSCORE? What about New Zealand's involvement in the XKEYSCORE mass surveillance program?" And to this day he's said, "I won't talk about this. I won't talk about this because it's related to foreign intelligence." But is it related to foreign intelligence if it's collecting the communications of every man, woman and child in the country of New Zealand?

And, you know, maybe. Maybe the people of New Zealand think that's appropriate. Maybe they think that they want to sacrifice a certain measure of their liberty and say, "It's okay if the government watches me. I'm concerned about terrorism. I'm concerned about foreign threats." We can have, you know, people in every country make that decision, because that's what democracy is about. That's what self-government is about. But that decision doesn't belong to John Key or officials in the GCSB making these decisions behind closed door without public debate, without public consent. That decision belongs exclusively to the people of that country. And I think it's wrong of him

—



[cheers, applause, Glenn and Kim clapping]

And I think it's wrong of him, I think it's wrong of any politician to take away the public's seat at the table of government and say, "You'll simply have to trust us. And you know what? It's not in the public interest to know about these programs... unless it threatens my reputation and then I'm going to throw classified documents in the air like I'm Julian Assange."

[Julian laughs, Glenn and Kim laugh]

[laughter, cheers, applause]

SNOWDEN: No offense to Julian. (laugh) But, uh –

GREENWALD: So, I – let me, if I could, just...

SNOWDEN: Go ahead.

GREENWALD: ...just to be very clear about one particular point, can you say definitively, based on your firsthand work with XKEYSCORE and other mass surveillance programs, that within the Five Eyes alliance mechanisms there are large amounts of indiscriminate metadata about the communication of other online events of New Zealand citizens, and does the GCSB, separately as a question, contribute in any way analytically or otherwise to that collection of data?

SNOWDEN: Yes. Absolutely. There's no question about it. There's not just metadata, although people like to talk about just metadata, and metadata is extraordinarily intrusive. As an analyst, I would prefer to be looking at metadata than looking at content, because it's quicker and easier and it doesn't lie. If I'm listening to your phone call, you can try to talk around things, you can use code words, but if I'm looking at your metadata I know which number called which number. I know which computer talked to which computer. And, yeah, that exists comprehensively for all of the Five Eyes allies, for all of their network-enabled sort of partners, for all of their telecommunications providers and things like that that are overseas that have a strong national connection, they create sort of a what they call commercial relationships, corporate relationships, that allow them to do this. And specifically yes, the GCSB not only uses XKEYSCORE, they have expanded it. They have contributed to its development. They have proposed algorithms and those sort of fingerprints that are used to track people and targets. And that's a tremendously concerning thing for any public, particularly when these decisions about whether or not intelligence agencies should cross the gap between targeted surveillance based on judicial warrants, based on limited collection that's necessary and proportionate to the threat faced, and sort of leaving the intelligence agencies to their own devices and say, "Hey, if you guys want to watch everybody in the country, that's fine. Just tell us what you want to do and you'll pass the law, or we'll pass the law for you." And I think that's another key. We talk about this GCSB Act of sort of August of last year and we go, "If the prime minister is so comfortable revealing this information this week, why didn't this happen last year when it was being debated? Why was it not relevant to the public interest when

it was our rights on the line, but suddenly it's critical to get this information out there when it's one man's reputation on the line. And that's a question that I think needs to be answered.

[applause]

But to, to, to just clarify on that. XKEYSCORE does involve both the metadata and content collection for individuals in New Zealand, that's without question. Citizens of New Zealand have their private communications in this database and people in the GCSB, people in the United States, people at the Canadian CSEC, people at GCHQ in the UK and DSD in Australia, they all have access to these communications. And while they are theoretically constrained by policy, and I do believe they try to use these policies appropriately to manage them, they aren't really overseen. We don't know what they're doing. It happens in the dark without any accountability and without any public say in how these programs are operated or if they should exist at all. And it's very concerning when a foreign intelligence agency like that National Security Agency can propose a law to be put in place in New Zealand for the GCSB, which is the August law that was passed last year, and the GCSB can start basically proposing programs that are unlawful at the time they're being considered and say, "Hey, pass a law to make this legal, and we're going to go ahead and put this out here immediately." Why are they considering programs that are not legal? You know, these are things that the public has not just, um... not the just the right to know, but the responsibility to know. Because how can the government have the consent of the governed if they don't know what's going on?

You know, consent has to be informed to be meaningful and I think that is the problem that we're seeing in New Zealand today. It doesn't matter necessarily if there's mass surveillance in New Zealand, if the people said that's what they want. But for it to have been concealed and for the highest officials in government to have been party to that, and now to be changing their story day after day after day about what they knew, when they knew, and why it happened – this should cause everybody to be asking questions not just about, you know, what's going to come out next, what are we going to learn, you know, what have we been lied about, but more importantly what are we going to do about it?

The reality is, everyone in New Zealand's private communications are only protected by a single checkbox, a checkbox that says, "Please don't show me results from people in New Zealand." And that does exist in XKEYSCORE. You know, these intelligence services do have the opportunity to say, "I don't want to see this." But after you've run one search and you don't get the results you like, you uncheck the box and you're allowed to then see everything.

So the question becomes, "Is it right for our governments to have the opportunity to know everything about us, even if we're not suspected of any wrongdoing, to collect everything about the most private details, the most intimate details of our lives, without us having any knowledge of it, without us having any say over it, without us having a vote on it, and then to play politics with it when it becomes a matter of public interest.

And, you know, I don't know, I don't know what the answer is. I'm not from New Zealand. I'm not going to back any parties. This is for every individual citizen in every individual place to decide the kind of societies they want to live in. But if the government is checking boxes off about our lives and how we're going to live, I think election time is when we get the opportunity to check boxes about them.

[cheers, applause]

And in New Zealand that's [...] *(not heard clearly over cheers)*

[cheers, applause]

[1:17:45]

LAILA HARRÉ: I'm going to bring Julian Assange into the discussion now. Of course...

[cheers, applause, Julian laughs]

...Julian is best known as the founder of whistleblowing website WikiLeaks. He is one of the world's most prominent internet activists, has redefined freedom of information on the internet. He is personally responsible for exposing war crimes and many, many abuses of power around the world. That is what made him a target of the U.S. government. He has been taking, taken refuge in the Ecuadorean embassy in London for two years. Please welcome to the Auckland Town Hall Julian Assange.

[cheers, applause, whoo!, laughter, Julian laughs, town hall audience is giving him a standing ovation]





JULIAN ASSANGE: Thank you, New Zealand. Can you hear me?

[cheers, applause, yeah!]

HARRÉ: We can hear you.

ASSANGE: Right. You might be able to hear as I speak a rather loud banging sound...

HARRÉ: You'll be pleased to know you're quite popular here.

ASSANGE: ...but someone has acquired it seems the flat underneath the embassy and are busy tunneling, believe it or not...

[laughter]

...right at this moment. We actually tried to buy the flat underneath to expand the embassy, but it was blocked, rather mysteriously.

So first of all, I'd like to thank Glenn for an excellent presentation [banging in the background], and I'm very pleased Edward could make it, and I know there were quite some difficulties actually getting him on technically, so I'm pleased that all came to fruition finally. But I thought we should put things in context, because a lot of detail has been gone into tonight and sometimes it's hard, sometimes we lose our way in seeing what sort of society that we're evolving into and how this development has come about. First of all, New Zealand has a very important historical contribution to the understanding of the Five Eyes intelligence alliance and mass surveillance. In fact, really, like many other things that happened in the wo—

[sound of construction drilling, Julian turns and looks, laughter, guy bending over sneaks by behind Julian, Julian turns back and laughs]

Like many other things that happened...

[laughter]

...that happened in the world, New Zealanders were there first, and Nicky Hager was in fact a great New Zealand journalist...

HARRÉ: Yeah, yeah.

ASSANGE: ...who has become a good friend of mine...

[cheers, applause]

...was here first back in the 1990s with his book *Secret Power*, which exposed National Security Agency and GCSB activities as they were then in the 1990s, and subsequently of course Australians like me have been taking the credit for this groundbreaking work that Nicky has done.

New Zealand is part of the Five Eyes alliance, and it's easy to become confused as to what that means. The Five Eyes alliance is not an alliance of nations. It's not an alliance of Christian English-speaking nations of the United States, Canada, New Zealand, Australia and the United Kingdom. It is an alliance of intelligence agencies operating within those five nations. Now it's often presented as if those five nations have come together and decided they want to engage in mass surveillance of the rest of the world in order to empower their citizens the most, geopolitically and in terms of terrorism and foreign intelligence. But in fact, because as Edward and Glenn have said, [sound of hammering continues] there has not been informed consent by those five nations, it is insiders from within the deep state, as we would call it in political science, collaborating with each other to maximize their own power in this equation.

And while once we could have considered this significant but not a crucial matter that starts to affect the structure of society, that's no longer true. The level of mass surveillance as it has increased over the past 10 years is something that is now at the level where it must inevitably affect the structure of our society domestically and the structure of our international order.

Glenn and Edward and others have revealed abuse after abuse and lies by John Key and others in that area, but if we look at simply the scale of the activity, we now have a situation where every single person who has access to the internet, which in New Zealand is essentially every single person, is being affected.

Sometimes we think a claim about a general phenomena is a claim about the air or the sky or the nature of our universe, and it is so general that we think we cannot be affected by it. It is a claim it seems that there's nothing we can do about it. You may recall that Stalin once said, perhaps apocryphally, that one man's death is a tragedy but the death of million men is a statistic. But I have been one of those people. I have been, and it's in the Edward Snowden documents, a target of the NSA, on an NSA manhunting list. WikiLeaks has been, as recently as 2012, a target of GCHQ, and it's in those same documents. Kim Dotcom in New Zealand has been a target of GCSB, unlawfully, and no doubt most of the people presenting on this panel tonight in the runup to this presentation have been some kind of target.

How do we know that we're targets? Well, we're specialists in this area, so we're able to understand and find out this information and see that we have been individually targeted, but the people who are not specialists, they rely on information that has come out as a result of journalists and as a result of people like Edward Snowden and have spoken about in generalities.

What New Zealand is doing together with the other Five Eyes nations is to attempt to create a new structure of civilization, and I don't think that New Zealanders agreed to take part in such a radical extremist project of putting all the foreign at least telecommunications of New Zealanders under a mass surveillance regime which automatically collects information on every single person. I think that is an extreme, bizarre, Orwellian future that is being constructed secretly in New Zealand.

And so you might say, why is New Zealand doing this, and can New Zealand have any influence? Well, I think New Zealand as part of the Five Eyes alliance is seen as a junior partner in that alliance, but in fact it has equal status, an equal status to every other nation except that of the United States. People within GCSB have become addicted to that relationship with these bigger players, and so they're happy to sacrifice the rights of New Zealanders and move the society of New Zealand in a very strange direction in exchange for membership of this international intelligence agency club. It is a network of patronage that exists internationally and operates without proper oversight of government. Even in the United States, as Glenn has shown, there is no proper oversight.

So having looked at the development of the Five Eyes alliance over that long period of time and how governments actually behave in practice, with our diplomatic cables work, I want to reiterate what Glenn has talked about specifically in relation to John Key, that this is how things are done at this level. It is all backroom deals about how to construct laws; the place of intelligence agencies and international alliances between intelligence agencies, not between countries, in the construction of those laws; how to subvert monitoring of the behavior of intelligence agencies and their functions.

New Zealand historically has shown significant will to be a more independent state, despite its size; it is an island nation, it is able to have its own political culture, and that political culture resulted for example in the banning of nuclear weapons and nuclear-powered warships coming to Australia. The National Security Agency

attempted, was used as a vehicle to take revenge against New Zealand, to coerce New Zealand into coming back into the acceptance of nuclear power in New Zealand by cutting off the flow of information to GCSB, or claims of doing that. But as some of you might remember, Nicky Hager showed that in fact that secret flow and access to this old boys' club of intelligence agencies continued in the background. So we have a bizarre example there that even the desire to punish New Zealand for its nuclear stance was subverted by these very intelligence agencies. So they will subvert the democratic will in relation to mass surveillance and they'll even subvert attempts by U.S. authorities operating in a different dimension, namely antinuclear policy, to punish the GCSB. Covert intelligence agencies by definition are designed to operate outside proper scrutiny and outside the law, and so they cannot be trusted, and the people who get into bed with them in any significant way also cannot be trusted.

[applause]

KIM DOTCOM: I would just quickly like to say two things. On behalf of everyone here tonight and on behalf of the entire internet community out there, I want to say that you Julian and Edward, you are heroes and I thank you very much for letting humanity see what's going on in this world, and even though New Zealand is a small country and a small place in this world community, we're going to do everything we can and we're going to work really, really hard to stop this country from participating in mass surveillance and we'll close one of the Five Eyes. That's our goal.

[cheers, applause, Julian grins]

ASSANGE: May I just give a personal comment on Kim Dotcom's situation. So, yes, I've been very interested in the National Security Agency and mass surveillance program for 20 years and have been writing about it in various ways over that period of time, but the situation with Kim Dotcom in New Zealand for me is also personal because we share the same prosecutor and have done for a number of years, in Alexandria, Virginia.

DOTCOM: Do you want to say hi? Woooo. (wiggles scary hands and laughs, Julian laughs) Didn't get us yet, huh?

[laughter]

ASSANGE: So I understand what is going on there, and I understand the injustice of that situation at a very personal level. We shouldn't look at the Five Eyes and the activities of the National Security Agency in isolation but as part of a broader hegemonic agenda by these institutions, not by the United States but by these institutions that operate in an antidemocratic way and the networks of power associated with them. Coupled together with mass surveillance is an extraterritorial move to apply certain aspects of U.S. law to as many countries as possible. So for example, why am I being investigated by a grand jury in the United States now for the past 4½ years and some of my staff as well? How is that possible? I'm not an American citizen. We don't have a company registration in the United States. Well, because we publish U.S. government documents,

and that is the claimed jurisdictionality which these groups operating out of Washington are going to apply coercive force to me and my staff and the rest of the world. Similarly for Kim Dotcom, something along those lines is happening, which is those groups operating out of Alexandria, Virginia, connected to broader power factions in the United States, are applying their law into New Zealand, taking control of New Zealand police force to coerce actions within New Zealand and pluck out people, residents, from New Zealand to other states. When you control the surveillance systems of another country, when you hack en masse into the computer systems of another country, and when you are able to control its police forces, you have in fact proceeded with annexing that country. And that is what is happening to New Zealand.

[applause]

It is being annexed by the major power factions [based in?] Washington D.C. And that's a real problem for New Zealand and it's a problem for the rest of the world, and it's a problem to me personally and Kim Dotcom. There's more than 69 nations, it's bragged about by Neil MacBride, our shared prosecutor, more than 69 nations being pulled into, in extradition cases, to that center in Alexandria, Virginia, and is part of an admitted policy of trying to extend U.S. law to other countries and to take control of the coercive instruments in other countries.

[applause]

DOTCOM: I want to say one more thing.

HARRÉ: Thanks to Julian— yes?

DOTCOM: Just one moment. There are two ways to fight mass surveillance. Number one is politically, and that's what we are trying to do here in New Zealand at this election. Number two, with technology. Encryption is the key word. I've started some time ago a website called Mega, and what you have witnessed tonight is quite extraordinary because both Julian and Edward have been connected to us using our new Mega communication suite, which is a fully encrypted videoconferencing solution.

[cheers, applause, Julian nods]

So I'm really passionate about keeping everybody's status safe. Not only can you transfer files completely privately and securely through Mega, you can now also communicate with a (air quotes) Skype-like client on steroids completely safe and web based. It's not a program you install on your computer; this runs through an internet browser.

[applause]

HARRÉ: Thanks, Julian, and we'll be coming back to you I think before the end of the discussion.

[1:37:20]

LAILA HARRE: Now I want to introduce Bob Amsterdam. Bob is an international lawyer acting on behalf of Kim Dotcom. He frequently takes on the state on behalf of individuals and organizations in cases involving the abuse of state power. He is the 2013 recipient of the American Lawyer's Global Pro Bono Dispute of the Year Award for the whistleblower trial he won against the United Nations in Nairobi, Kenya. The TransPacific Partnership Agreement has had only a bit part in this election campaign. Tonight we will hear from Bob Amsterdam why we must vote and use our vote to stop the TPPA on Saturday.

[cheers, applause]

BOB AMSTERDAM: Well, look, I want to thank you very much for allowing me to speak tonight, and I want to thank you, Kim, for the privilege of representing you in what is for me something of a unique situation, having a political trial in a first-world country, and in fact I've been looking to try to explain what happened in this case and how a government like the Key government could behave. And you know I went to a bookstore here, and I went to the racy section of the bookstore, and I found perhaps an answer. It's a new book about John Key and it's called *Portrait of a Prime Minister*, by John Ruffin. And I'm going to take a moment to read you the first paragraph. This is how the man introduces your prime minister. First paragraph: "On a summer's evening, shortly after New Year 2014, New Zealand television news channels carried a tantalizing glimpse of the country's prime minister holidaying in Hawaii, playing golf with the president of the United States. In polo shirt and shorts, John Key watched his son Max sink a putt and receive a high five from Barack Obama. New Zealand's diplomats were agog. This was face time beyond their dreams. How had it happened?"



[laughter, cheers, applause]

So, take it from a Canadian to tell you about free trade. A guy whose country now has foreign ownership up to almost 80%. A guy whose country and his countrymen, 36% of them, believe will become a part of the United States within 25 years. The TransPacific Partnership is an arrangement that will take from you your sovereignty in a very powerful and personal way, and it will do it through the same kind of stealth tactics we've been hearing from Glenn and the other panelists. Because American trade policy is manufactured by special interests, and when I mean it's manufactured by special interests, I mean that for instance in respect to intellectual property, it is actually drafted by the Motion Picture Association itself. It is then handed to the U.S. trade representative, who gets together with the RIAA and other interest groups and works out what the trade strategy is going to be. They then engage in negotiations, and if a country that is a trading partner of the United States does not behave according to U.S. standards of intellectual property protection, for instance, a Section 301 listing can be made which impacts their ability to continue to work with the United States. It is a coercive form of listing which has forced many countries, including Sweden and European countries, to aggressively change their IP laws and other cultural-related laws to allow them to continue the type of access they believe they need to the U.S. market.

Then – and this is somewhat new – once an agreement is reached, and these agreements generally contain language based on largely U.S. norms, once an agreement is reached and your sovereign nation says, “Fine, we’re going to agree with you, United States,” there’s another process, and this process is called the certification process. And by that I mean that New Zealand, in this case of the TPPA, would actually give up its own rights to certify compliance. That right has been ceded back to the U.S. government, which under this new congressional legislation essentially allows the president of the United

States to determine if New Zealand has actually amended its laws in keeping with the agreement, and if New Zealand hasn't, then that agreement will not come into force.

So in the case of Peru, for instance, we find that the U.S. government actually drafted the Peruvian legislation to allow them to enter into a trade agreement with the United States.

Now, the power of these trade agreements to impact your life directly is very strong, especially when you're in a country that is marginal to the world system. Now that may be news to John Key, who is a currency trader and gets high fives with Barack Obama, but for the rest of us who have a globe, we recognize...

[laughter]

...we recognize that...

[applause]

...in fact China is not quaking in its boots.

[laughter]

So the impact means that if you're a trader like John, you have a limited number of chips to give up. And I am going to make an argument here tonight to you, and I am going to say that John, with his limited pile of chips, has begun improvising. And I am going to say that one of the chips he's begun to give up is your rule of law.

[applause]

Now fortunately I'm not alone in saying that, because I don't like as a Canadian to come into another Commonwealth country and, you know, absolutely despoil their politicians and their laws, but I do read what other lawyers say, and the Law Society of New Zealand has been very strong in terms of the Key government and in terms of how the Key government behaved in respect to the spy bill, so strong that they went to the United Nations to complain. That should be warning all of you, that should be worrying all of you, that your law society felt it had to take that step. And what it complains of is the ways in which the government is using emergency-type or speedy powers to pass legislation.

[applause]

Now, I have to tell you, I'm privileged to represent the Red Shirt movement in Thailand. Now the Red Shirt movement faces one of the world's disproportionately largest armies, and when I'm on the streets of Bangkok before the coup and I speak to the Red Shirts, one of the things I say is, "How can you have more generals than the United States of America? Who's attacking Thailand?" So I say to you as I hear the word "terror" on the streets of Auckland, who's attacking New Zealand?

[cheers, applause]

And how long, how long are all of us, as educated citizens of the world, going to allow our politicians, whether they use color codes, or “Today’s an extreme day, don’t look too closely at the guy next to you because the terror level is high.”

[laughter]

“Oh, today’s only a mediately difficult day. Perhaps just avoid ethnics.”

[laughter]

Our governments are trying to alienate us from each other, and they are using terror –

[applause]

They are using terror to invade our homes, to invade our internet accounts, and to engage in mass surveillance that is violative of our most basic constitutional rights.

[applause]

And let me tell you something. They know that we know that they know that we actually don’t know who the terrorists really are in our society. I know that’s sort of a Keyism, so I wanted to throw that in here.

[laughter, applause]

Because what they have done is they’ve made our lives more dangerous. Because there are gangs of men who kidnap and murder and behave like criminals but our governments won’t call them criminals. Our governments are elevating them and in some ways actually empowering them to frighten us, and this is something we need to be extraordinarily cautious about in our society. And one of the ways governments do that is through the excessive use of force. I have even heard that in some countries, on something as inane as a copyright case, they will launch armed attacks on people’s homes.

[laughter, applause]

Now, in this global war on culture that has been launched by the internet industries of the United States on all of us, I’m pleased to say I represent one of the first victims, one of the major victims, Kim Dotcom, in an extradition brought to you by the Motion Picture Association of America in conjunction with Warner Brothers.

[laughter]

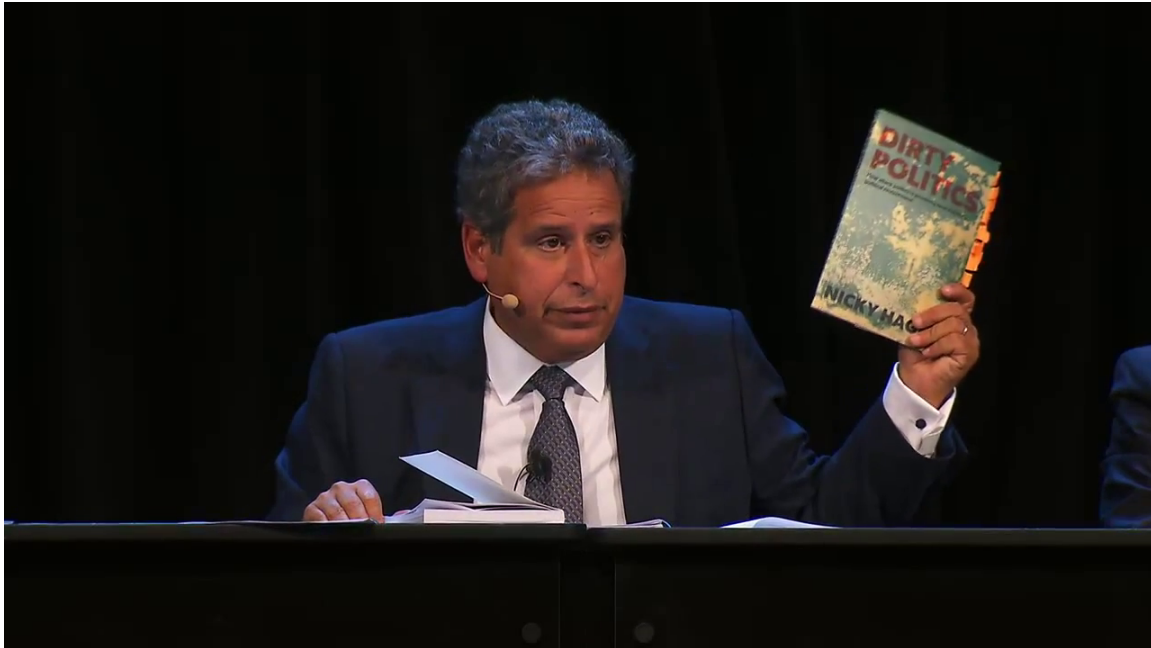
In fact you should be aware that his indictment was actually brought to the DOJ, not the other way around. And this is something to be aware of in respect to the TransPacific Partnership Agreement, because it empowers big business in a massive way. Because you see all those businesses that are talking to the trade representative, they're very smart and they're very well funded, and they've agreed amongst themselves in all of these countries that they need secrecy so we don't get pissed off. So they've given that to themselves. They have agreed to negotiate in secret and keep their documents secret for four years. Now I ask you, in a democracy involving your most basic economic and sociopolitical needs, is that really how these critical trade agreements should be negotiated?

[Audience in unison: "No"]

But this is what your government has agreed to. This is how these negotiations are already taking place. So this issue that Julian has spoken about, which is the U.S. extraterritorially legislating, occurs in the trade agreement, but it also occurs in many of the new conventions internationally on legal issues that have come out as well, and there is this export of American law and the militarization of justice that has occurred that is not, it does not comport with Commonwealth values. Those of us blessed to be in the Commonwealth actually have some very important human rights doctrines that we have in addition to our own constitutions, and that is the various agreements like the Harare Declaration that give us expanded rights. And I would ask us all to look at those because in respect to the situation that we're in now, we are, as Professor Yar speaks, we are in a period of moral entrepreneurship. Large corporations are criminalizing what they see as violations. For instance, infringement disputes that were heretofore civil in nature have been criminalized so that the power of the state can be directed against individuals. And the companies don't have to spend all those dollars on lawyers. Better than that, let's freeze somebody's assets so the son of a gun can't hire lawyers to defend himself. And then if an incredibly resourceful individual starts a new business after we've thrown him in jail, destroyed his life completely, and he's had to start from scratch, then we're going to go and we're going to try to seize any possible asset that guy may develop in the future. All, all with the passive acquiescence of the guy who does the fist bumps or the high fives with the American president.

[applause]

It is extraordinarily important for you to evangelize about the trade agreement, because the other thing that the war on terror, the war on culture, and all of the inability of your leaders to actually be accountable, because in Mr. Key's case he can't remember what happened yesterday, [applause] all of these things, all of these things lead to something that has become known as dirty politics. (holds up Nicky Hager's book *Dirty Politics*)



[cheers, applause]

Now, I'm going to tell you, and I'm going to sadly admit to you, that I'm old enough to remember Watergate and an organization under President Nixon known as The Plumbers. And I remember Watergate well, because in Watergate the question was, "When did the president know what?" That was always the situation, and Woodward and Bernstein spent many months trying to piece it together. Can you imagine if there was e-mail during Watergate?

[laughter]

Well, this is what Watergate looks like on e-mail, ladies and gentlemen. (shakes *Dirty Politics*)

[applause]

And I know that Crusher has resigned.

[jeers, applause]

And by the way, I have to tell you that I think it's kind of funny to have a justice minister named Crusher in the first place, but...

[laughter]

But even with Crusher resigning, we need to understand that the system isn't purged if it has a systemic cancer by only one amputation.

[applause]

We need to ask in respect to many issues, many issues, for a Royal Commission of Inquiry into the behavior of the Key government.

[cheers, applause]

Today, today a report appeared in the Herald concerning Kim Dotcom, and the Internet Party has referred the matter to the Parliamentary Privileges Committee, and we intend to cooperate with Parliament and we intend to do everything possible so that not only in respect to Kim but in respect to the massively important issues of state surveillance we've heard tonight, that a proper investigation is made of all of these issues before whatever government is constituted in the future. Do not accept narrow terms of reference.

[applause]

Do not, do not accept the beast investigating its own belly.

[applause]

What is critical to understand in the era of the internet and in the era of mass surveillance is that your prime minister, who is inherently a traitor...

[cheers, applause]

...and I'm going to tell you, I am going to tell you, I'm going to tell you why I say that and why I feel he doesn't cling to fundamental principles of human rights. What, what the government of New Zealand did to that man when they raided his home and admitted it was illegal, what they did was so beyond the pale of what should happen in a democratic country that the leader of that government should have resigned on the spot that day.

[cheers, applause]

You add, you add this incredibly political case to the mass surveillance that's been uncovered this weekend, and more importantly for us who believe in democracy, and I know that may be a smaller, an ever smaller group, because I've even heard people on the radio say if the prime minister lied well maybe it's okay. We really need, we really need to come together and put the feet of the next government to the fire on the issues of what are our fundamental rights that cannot be traded away, and if –

[applause]

– if, if once again through this asymmetry of power the party that has control of the spy agencies can use the spy agencies to get information and pull discreet information about their political opponents and then feed them to various blogs or whatnot in a coordinated

campaign, if this can happen, we need law on the books that during an election period no spying or activities can go on in respect to any New Zealander who could possibly be seen as a political competitor. Because let me tell you something about mass surveillance and about your trust in this government or any other government, it doesn't matter what the party is. Even if you trust this government, history shows that when a government becomes empowered with the control of information, it will ultimately turn against its own citizens.

[applause]

It is time to stop the TPPA under its present conditions. Thank you very much.

[applause, cheers, audience begins standing ovation]

LAILA HARRÉ: Well, what an extraordinary evening. Three modern prisoners, Kim Dotcom, Edward Snowden and Julian Assange, in our town hall. Two, two warriors, lawyers, a journalist, warriors for our right to know and our responsibility to hold governments around the world accountable for honoring our human rights. Thank you.

[applause]

You know, we don't need to set out a framework for you to interpret the evidence you have heard tonight and to consider the reaction that I am very sure you will hear tomorrow, because Nicky Hager provided us with that framework with the launch of *Dirty Politics* at the beginning of this election campaign, and what we have seen over the last two days has been a textbook example of where that dirty politics story takes us. In the case of Kim Dotcom, an example of the vilification of a person because they represent something that people in power don't approve of and reject. We need to apply our dirty politics knowledge, Nicky Hager's framework, to our analysis of what we have heard tonight and to our response when the prime minister begins to find his diary and make his excuses tomorrow.

[applause]

Progressive politics is above all and more importantly than anything else an educational process. Tonight we have been educated by people who are champions of our human rights, who are defenders of our internet freedoms, and who have shared their wisdom and love with us in order to make us an informed citizenry as we decide how to vote on Saturday. Now it is our turn. This moment of truth has delivered. It is up to every person in this hall to speak the truth, to share the truth, and to vote for the truth on Saturday. Kia ora kotou and thank you very much for being here.

[cheers, applause, laughing]

Thank you.

[laughing]

Awesome. Now we go (gesturing to panel to exit). Yes!

[audience standing ovation, cheers, applause, chanting “John Key out!” as panelists exit stage]

